



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
SIEGFRIED OBERHOFER

Serial No.: 10/506,704

Confirmation No.: 3517

Filed: September 7, 2004

) Examiner: Mehta, Bhisma

) Art Unit: 3767

) Deposit Acct. No: 04-1403

) Customer No.: 22827

Title: DEVICE FOR ADMINISTERING OR INGESTING FLUID OR POWDER-TYPE
SUBSTANCES IN ADDITION TO A REPLACEMENT ELEMENT FOR SAID DEVICE

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1.[X] Attached hereto is:

- a.[X] A list of materials for consideration per Rule 98(a)(1): 1 page(s)
- b.[] A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s): 8 item(s)
- c.[] For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items:
[] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2.[X] This Information Disclosure Statement is being filed [CHECK ONE]:

- a.[] WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b.[X] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
- i.[] Certification per Rule 97(e); OR
- ii.[X] Filing Fee per Rule 17(p) \$180.00
- c.[] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
- i. Certification per Rule 97(e); AND
- ii. Filing fee per Rule 17(p) \$180.00

3.[] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a.[] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

- b.[] That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____ Signature: _____
Address: _____ Date: _____

- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

- a.[] First Class Mail Certificate of Mailing under Rule 8:

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- b.[] "Express Mail" Certificate under Rule 10:

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By: JAMES M. BAGARAZZI

Reg. No: 29,609

Signature: James M. Bagarazzi

Date: Dec 8, 2006

(Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: CBZ-1341	Serial Number: 10/506,704
	Applicant: SIEGFRIED OBERHOFER	
	Filing Date: 09/07/2004 Confirmation No: 3517	Group Art Unit: 3767



- NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]
- (1) This item is cumulative, per Rule 98(c)
 - (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
 USSN _____, filed _____, or
 USSN _____, filed _____
 Relied on under 35 U.S.C. Section 120, per Rule 98(d)
 - (3) Both reasons (1) and (2) apply
 - (4) No legible complete copy is possessed, in custody of controlled, or readily available
 - (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS				
EXAMINER INITIALS	PATENTEE NAME	PATENT NUMBER	ISSUE DATE	COPY NOTE
	WOODBURY	3,093,256	06/1963	5
	SKINNER et al.	4,809,938	03/1989	5
	JAMES	5,072,843	12/1991	5

U.S. PATENT APPLICATION PUBLICATIONS				
EXAMINER INITIALS	APPLICANT'S NAME	PUBLICATION NUMBER	PUBLICATION DATE	COPY NOTE
	PHAM	2002/0082564 A1	06/2002	5
	FISHLER	2002/0104933 a1	08/2002	5
	BRAND et al.	2003/0136800 A1	06/2003	5

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIALS		COUNTRY	DOCUMENT NUMBER	PUBLICATION DATE	TRANSLATION			COPY NOTE
					YES	NO	N/A	
		DE	DE19746013	04/26/2001		X		
		DE	DE9315099	03/31/1994		X		
		DE	DE8612862	09/25/1986		X		
		PCT	WO96/26755	09/06/1996			X	
		PCT	WO97/47344	12/18/1997			X	
		EP	EP1224002 B1 (claims only)	03/12/2003	X			

**"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS		COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication		
	English Translation of International Preliminary Examination Report, dated 05/14/2004		
	German language International Search Report, dated 04/24/2003		
EXAMINER			DATE CONSIDERED
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.			



ATTORNEY DOCKET: CBZ-1341

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Title: DEVICE FOR ADMINISTERING OR INGESTING FLUID OR POWDER-TYPE
SUBSTANCES IN ADDITION TO A REPLACEMENT ELEMENT FOR SAID
DEVICE

CONCISE EXPLANATION UNDER RULE 1.98(a)(3)(i)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 23313-1450

Sir:

In accordance with 37 C.F.R. § 1.98(a)(3)(i), a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information of each of the German language references, are provided by the statements below. These statements regarding the German language references were provided by a patent associate in Germany who filed the German priority application.

DE 197 46 013 discloses an add-on device for a handheld aerosol dispenser. This add-on device, which shows a cartoon figure or an animal, can be detachably mounted on the dispenser.

DE 93 15 099 U also refers to a handheld aerosol dispenser (Fig. 3 of DE 107 46 013 refers to DE 93 15 099 U) wherein the dispenser itself has an outer appearance of a cartoon figure, an animal or a fantasy figure. The dispenser is connected to a pressure line 7, which pressurizes a fluid aerosol in a container 8 via a second pressure line 7, which pressurizes a fluid aerosol in a container 8 via a second pressure line 20.

The aerosol is guided to a vaporizer 9, which atomizes the fluid aerosol and guides it to a nose 3. The nose 3 has to be introduced into the mouth for inhalation purposes.

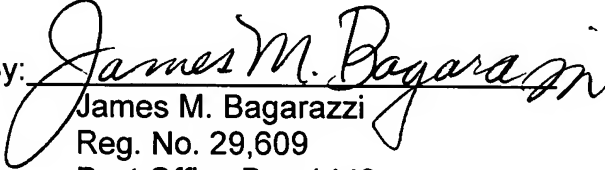
DE 86 12 862 U discloses a toothpaste dispenser in which a toothpaste tube is introduced in a container being formed as a cartoon figure, an animal or a fantasy figure. The container essentially consists of two halves screwed into each other. The toothpaste is dispensed via the snout or nose of the figure.

To the best of the knowledge and belief of the undersigned, who does not read or speak German, the statements are accurate. This belief of the undersigned is based on his experience with and confidence in the competence of the associate in Germany who has provided these statements.

The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING, P.A.

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